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DATE/TIME:

~~March 12, 2004, 9:48 am~~

April 2, 2004 3:08 CPT

FROM:

MARK D. PERDUE

TO:

RECIPIENT

COMPANY

FAX NUMBER

Steven M. Varner

GAU 3635

703-308-0839

705-7687

872-9306

OUR REF NO:

TOTAL NUMBER OF PAGES (including this sheet):

6

MESSAGE:

The following request for withdrawal of holding of abandonment was mailed June 23, 2003. Never received any response.

Also find change of address.

**IF YOU DO NOT RECEIVE ALL OF THE PAGES INDICATED ABOVE,
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: E. Willis § ART UNIT: 3635
Application Serial Number: 09/644,169 §
Filed: August 23, 2000 §
For: IMPROVED TRAILER FLOOR § EXAMINER: Varner, S.
P

REQUEST TO WITHDRAW HOLDING OF ABANDONMENT


Hon. Commissioner for Patents
PO Box 1450
Alexandria, VA 22312-1450

Sir:

Certificate of Mailing Under 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Hon. Commissioner for Patents
PO Box 1450
Alexandria, VA 22312-1450

On June 24, 2003. By: 

Applicant respectfully requests withdrawal of the holding of abandonment and shows as follows:

- 1) An office action was mailed on November 8, 2002, with a three-month response deadline of February 8, 2003.
- 2) The office action was the second action on the merits in the application.
- 3) In an abundance of caution, Applicant submitted a Request for Continued

Request for Withdrawal of Abandonment
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Examination, together with the Fee and a second, fully responsive amendment on February 10, 2003 (February 8 was a Saturday).

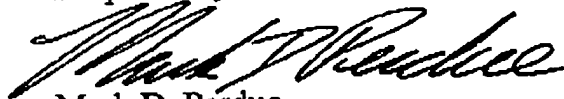
- 4) In June 2003, Applicant received a Notice of Abandonment stating that the application was abandoned because "The RCE request received 2/19/03 was improper."
- 5) This is improper given Manual of Patent Examining Procedure § 706.07(h), Part III.A.1, which provides:

If prosecution in the application is not closed, applicant will be notified of the improper RCE and any amendment/reply will be entered. Thereafter, the application will be forwarded to the examiner for consideration of the amendment/reply under 37 CFR 1.111.

- 6) Apparently, prosecution was not closed because the office action of November 8, 2002 was not final. Under the provision quoted above, the amendment should have been entered and prosecution continued. The only notification Applicant received was the Notice of Abandonment.
- 7) Applicant submits that the Notice of Abandonment thus was improper. The amendment should have been entered and prosecution continued in any case. If the amendment was somehow improper, Applicant was entitled to some notice prior to the Notice of Abandonment.

- 8) In view of the foregoing, Applicant respectfully requests withdrawal of the holding of abandonment, entry of Amendment B, which accompanied the RCE, and allowance of all claims.

Respectfully Submitted,



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